

Quid Novi

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MCGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT DE L'UNIVERSITE MCGILL

January 11, 1988
le 11 janvier, 1988

NUCLEAR DISARMAMENT

The following article was prepared by Mike Crawley of the McGill Tribune. As the topic is currently in the news with the recent agreement on arms reduction, it is presented here. The original talk was given at the McGill Law Faculty on October 28, 1987.

By Mike Crawley

Being self-important university adults, we have a tendency to view high school students rather contemptuously. A large number of the indifferent on this campus could learn a valuable lesson in consciousness from four young members of Students Against Global Extermination (SAGE) who piled into a station wagon last fall and trekked across the country to spread their anti-arms race message to people their own age. This "Youth Nuclear Disarmament Tour" was an unprecedented success and in the aftermath, two of the four Montrealers spoke last Wednesday courtesy of McGill Lawyers for Social Responsibility.

Maxime Faille co-founded SAGE in 1983 and helped it grow to a network

of over 700 Montreal high schoolers. In their talk at Chancellor Day Hall, he and Désirée McGraw described the format of their tour presentation, some amusing anecdotes from their eight month odyssey across Canada and the outlook of the group. They spoke in a confident and professional manner, knowledgeably handling challenges from the law student dominated audience.

The SAGE contingent approached each of the 360 high schools on the tour in the same manner: first, they posed the questions "Do you think a nuclear war is likely to start within your lifetime. If so, how? If not, why?" Generally, the level of participation in the ensuing discussions was quite high. Similar SAGE-like groups were formed in 90% of the visited schools as a result of the tour's initiative.

Faille and McGraw knew their facts to back up their strong feelings. When questioned about the economic repercussions of disarmament, Désirée replied that military spending "goes against the laws of capitalism," due to lack of efficiency: a billion dollars invested in the military creations 79,000 jobs whereas the same amount results in 139,000 health-related positions, a 50% improvement. Max added, "Workers would much rather be doing something of social value."

The two teenagers discussed the group's two week trip to Moscow and stated that the similarities between the students' attitudes outnumber the differences. Young people from the U.S.S.R., however, are apathetic for

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JOKE OF THE WEEK

Lawyer cables to client: Justice triumphs!
Client cables back to lawyer: Appeal at once!

ANNOUNCEMENTS

PLACEMENT SEMINAR

Richard Janda will be speaking on *"The Attractions and Distractions of Large Canadian Law Firms: Thinking About Working for One"* Wednesday, January 13, 1988, at 12:30 p.m. in Room 202.

* * *

TALMUD CLASS

Every Wednesday
1:00 p.m.
Room 202

Taught by former student Greg Bordan. Everyone is welcome, no background is needed.

* * *

BOOKSTORE / LIBRAIRIE

Welcome back!!!

Bookstore hours: First week - Tuesday to Friday, 9:00 a.m. - 4:00 p.m. Starting January 11th: Mondays and Thursdays, 12:00 noon - 2:00 p.m.

Closing date: March 14, 1988!!!

Sorry about the delay for some of the required textbooks and casebooks. It might be due to the failure of the professors to ask the bookstore to order them. Requisition of materials by the professors is a condition precedent to their being ordered by the bookstore.

New Return Policy:

- No returns during the first two (2) weeks of each semester.
- Returns only within two (2) weeks of the purchase date. (Purchases in the first two (2) weeks *must be returned before* February, 1988.)
- No returns without cash register receipt.

- No returns of McGill casebooks without plastic wrapping intact.

The L.S.A. Bookstore reserves the right to refuse the return of a book not considered to be in resaleable condition.

Books may be returned only during the semester in which they were purchased.

Bienvenue!!!

Heures d'affaires: Première semaine - mardi à vendredi: 9h - 16 h. À partir du 11 janvier: lundis et jeudis: midi - 14h.

Date de fermeture: 14 mars, 1988!!!

Nous sommes désolés des retards affectant certains manuels obligatoires. Ils sont sans doute dûs au défaut des professeurs de commander les dits manuels à l'intérieur des délais requis. La réquisition des manuels par les professeurs est une condition préalable à leur acquisition par la librairie.

Nouvelle politique de retours:

- Aucun retour pendant les deux (2) premières semaines de chaque semestre.
- Les livres ne peuvent être retournés que dans les deux (2) semaines après la date de l'achat. (Les livres achetés pendant les deux (2) premières semaines *devront être retournés avant* février 1988)

Mister Boffo



- Aucun retour sans le reçu de l'achat.
- Aucun retour de recueils (casebooks) de McGill sans l'emballage de plastique intact.

La librairie de l'A.E.D. se réserve le droit de refuser le retour d'un livre jugé être dans une condition non revendable.

Les livres ne peuvent être retournés que pendant le trimestre où ils ont été achetés.

Maria Normandin
L.S.A. Bookstore/Librairie de l'A.E.D.

* * *

LAW GAMES

This is your last chance to sign up for the law games (2 sports per person). The deadline for payment is **January 15th** - \$100 (train) + \$25 (participation) = total \$125/person.

Remember to sign up for the train, the hotel, the Final Banquet and the Detroit Night Pub Crawl. The sign up sheets are posted on the sports board in the pit.

There will be a general meeting Wednesday, January 13, 1988 in the Moot Court at noon. All participants should attend.

Paule Hamelin
Sports Committee

By Joe Martin

LAWMENTATIONS

By Teresa Scassa

If you heard any bells ringing over this past holiday season, you probably stopped to admire their curves. In fact, considering some of last semester's exam nightmares, the old bell-curve will soon be challenging Santa Claus as the all-time great giver of gifts.

Of course, the real tragedy is that no one will give you any sympathy if you whine about exam unfairness. At best, they'll raise their eyebrows in silent condescension. The implication will be that it was you, and not the exam, that was poorly prepared. Well, face it. They're probably right. No doubt you studied for the damn things as if they were standard law exams. Silly you. In an age of trends and fads, there's just no excuse for ignoring the nouveau-exam.

Nouveau-exams come in a variety of shapes and sizes. They are quirky and unpredictable. They use dead, but oh-so trendy languages like Latin. They require you to use fashionable skills like ESP and second-guessing. Let's face it, if you can't write the nouveau-exam, you won't make it as a lawyer. You'll never know when to trade-in your Volvo for a BMW.

Yet judging from this year's unusually vehement spate of post-exam griping, it is clear that not everyone can cope with the nouveau-exam. There are still a vast number of old-fashioned hicks clodhopping throughout hallowed halls. These poor saps believe that exams should be straightforward. They earnestly maintain that exams should reflect course content. These people probably spell brie with two E's. They think L.A. Law is a fourth year course. Well, for the sake of those terminal innocents, the following is a survey of the various types of nouveau-exams:

1) The Jurisdictional Cross-over: This is the most popular type of nouveau-exam. It involves teaching students the law of one jurisdiction and examining them on the law of another. Students should prepare for this

type of exam by studying the law of the non-taught jurisdiction. Contrary to popular opinion, this type of exam is not grossly unfair. In fact, profs always give clear warning that this will be the method of examination. One sure tip-off is when the prof assures the class that this material will not be on the exam. Of course it will. In detail.

Another flashing neon warning is where the prof teaches the law of another jurisdiction with only token references to Canadian law. The exam will be on the Canadian material, of course. This type of nouveau-exam is designed to teach law students certain legal fundamentals: 1) Never mistake the obvious for the likely; 2) If there was any truth and justice in law, we wouldn't need lawyers.

2) The Comparative Law-in-a-Vacuum exam: In this type of exam, students are asked to compare and contrast subject matter they were taught in the course with subject matter that a) they were supposed to be taught the year before but weren't; or b) they were taught the year before but which has naturally (and mercifully) been wiped from their memory banks. This type of exam teaches students: a) you can never escape the past; and 2) don't make plans to travel in August.

3) The Gibberish Exam: This type of exam contains one or more questions so badly drafted that they could mean any one of twenty different things (none of which were necessarily taught in the course.) This type of question is actually a gift. Wise students may pick an interpretation that coincides with something they actually learned from the course. Or they can answer the question using equally obscure phraseology. This

type of question teaches students: 1) never to miss course change deadlines again; and 2) when in doubt, mumble.

4) The Speed-Copying Contest: This type of exam demands nothing more of the students than a word-for-word regurgitation of the course materials. The only way to evaluate students, therefore, is to grade them on the quantity of regurgitated material combined with the legibility of their handwriting. This type of exam teaches students to: 1) bring an extra pen; and b) not to commit to memory anything that can be transcribed from a good summary.

As has been demonstrated, the nouveau-exam teaches valuable legal skills. After all, profs can assume that students have studied and learned course content. It would be foolish to waste time examining them on any of this material. The nouveau-exam makes sure that no such overlap occurs. Instead, the nouveau-exam fleshes out our legal educations. It provides a practical, empirical understanding of the fundamental legal concepts of justice and injustice, unconscionability and despair.

So quit your whining. You'll appreciate all this one day when you're a grown-up lawyer. You'll have a client with a case you have no clue how to handle. It won't phase you. You'll think back to one of your nouveau-exams. You'll turn to your client with a sympathetic but condescending smile. You'll say: "It's fundamentally unconditionally a matter of pre-emptive breach persisting in a causally asserted manner retroactive to an immovable nullity." And your awestruck client will pay you his life savings to pull him from that yawning legal abyss.

EXPERT LEGAL TYPING: FACTUMS, TERM PAPERS

References available from McGill Law Students
Competitive rates - Pick-up and delivery available

Call PAULINE PERREAUX, 684-8862

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COURT ALLOWS \$275,000 AWARD OVER CIRCUMCISION

(Reprinted from *The Age*, Melbourne, May, 1987)

A 21-year-old man who lost one-third of his penis when negligently circumcised as a baby should be allowed to keep a damages award of \$275,000, the New South Wales Court of Appeal decided yesterday.

It ruled by a two-to-one majority that the amount was within the range a Supreme Court jury was entitled to award.

It was the second time Sydney's St. Margaret's Hospital for Women had appealed against the amount of the award. The Court of Appeal quashed the first verdict and returned the case to the Supreme Court. A second jury then assessed the damages at \$275,000.

In the majority judgment yesterday Mr. Justice McHugh said the man was circumcised at the hospital on February 10, 1966, when he was six days old. Three days after the operation the head of his penis was found to be gangrenous. The judge said the man had lost about one-third of his penis, and there was a slight bend in the penile stump.

"The plaintiff is able to achieve an erection," he said. "He has not had sexual intercourse. Sexual penetration, if it ever occurs, will be more difficult than for a normal male. His disability will also cause a diminution in sexual pleasure, but he is able to father children."

The judge said the injury had caused other social and psychiatric problems. "He is extremely embarrassed about other persons knowing of his deformed penis. Throughout his life he has gone to great lengths to avoid being placed in situations where others might see it."

The judge said the man wanted to marry and have a family, but had avoided any physical contact with females. "He is socially isolated and feels there is no way out of his predicament. He feels sexually frustrated. In addition, he is frequently depressed".

Mr. Justice McHugh said it was reasonably open to the jury to find that the man's psychiatric condition would deteriorate. Mr. Justice Priestley agreed that the appeal should be dismissed, but in a dissenting judgment Mr. Justice Mahoney said the damages went beyond fair compensation.

LADIES AND GENTLEMEN, SIR MICHAEL BRIDGE

The following is a review of Sir Michael's 5 volume novella, *Failing Law: The Do's and Don'ts* (soon to be required reading in the 6 4 credit Contracts course).

Sir Mike was born in London, when England was still taken seriously. His father was a travelling wafer-bored salesman. His mother was a stevedore.

At school he excelled, and was voted most likely in his class to become a Chinese diplomat, which is why he was virtually ignored during the détente years.

In a painfully brief theatre career, he understudied the Witch of the East in an all-nude Shakespearian version of 'The Wizard of Oz'. The reviewers described him as "portly and exceedingly humble".

Failing Law: The Do's and Don'ts (subtitled *Nonsense on Stilts*) is a radical plan for the gradual restructuring of legal "education" adaptable to a post-nuclear world. It introduces the Bridge "3-span-plan" to legal excellence.

Phase 1: The first four years will see widescale distribution of benzedrine and copycards via vending machines. Assigned readings will be tripled, to weed out the weak and thinking, thus breeding healthy neuroses.

Phase 2: Students, now immune to caffeine and "purple happy pills", will sleep in class. All doors will be hermetically sealed, and no other interruptions - such as questions - will be tolerated. Lectures will be replaced with a continuous tape loop saying, "Lord Denning is wrong...it's all policy!"

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a different reason from their North American counterparts. The feeling of helplessness prevails in the west while the Soviet students argue "We're already for peace." But the members of SAGE don't simply spout empty leftist propaganda - they know that fault lies on both sides of the iron curtain.

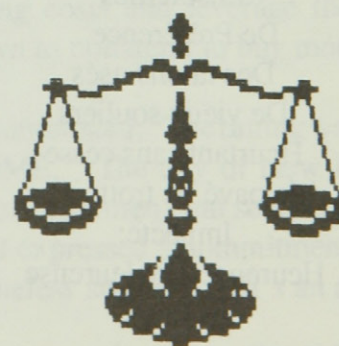
The most inspirational characteristic of these gutsy students is their genuine hope for the future. As many people fatalistically bemoan the fate of mankind while sitting in their

Phase 3: Students, being redundant, are now replaced with word processors. The lights can be turned out to save power. Law will finally be a science, a beautiful maze of right angles.

This review praises Sir Mike, who has brought new meaning to the phrase *ultra virus*. Best of luck in your future careers.

Next week Ron Sklar explains the "I was brought up by wolves" defence, and a brief look at Rosie's Winter-Wonder-Wear.

armchairs, Faille and McGraw talk of "the anti-nuclear chain reaction." Two particular statements serve to demonstrate their firm commitment to their dream. Désirée: "By getting involved, you feel a lot more optimistic." Max: "People said the same thing about slavery then as they do about war now. People can change things."



THE PINKS IN THE TRENCHES

By Holly "I can't believe we didn't win" Nickel

While most sports teams were going out with a bang, the women's Flagball Team - *The Pinks of Perfection* - went out with a...slide! Playoff games were held on Forbes Field which more closely resembled a mud wrestling ring than a football field. We battled bravely all season in preparation to throttle those Engineers in the finals. Alas, we lost in the semi-finals, but only after a truly awesome season.

The Pinks, led by Lorraine "I'm going for the long bomb" Pilon, were graced with two new rookies this year. Jane "Sticky fingers" Adolphe, who is outstanding in any field, was often left standing out in the backfield as penalty flags flew for offensive movement on the line. Katherine

"Now what position do you want me to play" Rakush showed her versatility as she gracefully moved from position to position grabbing flags and little pieces of advice from the other team as she went.

Our fearsome front four, anchored by Susan "Let me at her" Corristine, had the most quarterback sacks in McGill Intramural history and what defense could be complete without Karen "The rock" Amaron. Whether leading the Dallas Cowboy Line or crushing the unsuspecting opposition, Karen bulldozed her way into everyone's hearts.

The Pinks were graced by the return of a football veteran fresh from Parliament Hill. Sarah "Beauty Block" Dougherty who last year was responsible for three cracked ribs, two black eyes and one broken nose, and who gets special thanks from her mother for not getting blood on the carpet this year.

Other return performances came from our nose guard, Bertina "Killer" Karpel and Debbie "Why does that girl hate me" Racick.

And of course what's a women's "law" team without the out of faculty ringers. Honourable mentions go to the non-lawyers Caroline "Indiana" Ryser, Darlene "Swivel-hips" McRae, Nicole "Babushk" McKee and Sharon "Catch me if you can" Buehner. Special thanks to Dave "Left is right and near is far" Butts for a great season.

UNE CONVERSATION

David Wallbridge

Parler
Pourparler
Pourboire
Messieurs Politesses
Piétinant sur les nuages
Ensoleillés
De Préférence...
Des talons usés
De vieux souliers
Heurtant sans cesse
le pavé, le trottoir!
Impacte:
Heureuse, douloureuse
Realité.

WORD POWER!

For those of you wishing to expand your vocabulary, here are a few expressions from Down Under to throw in during the next dinner conversation.

Out of the back of Burke: far away, a country town.

Beyond the black stump: back of nowhere

Flat out like a lizard drinking: drunk

Topped up: drunk

Full as a goog: very drunk

Off like a dirty shirt: leaving

Rough as bags: slut

Town bike: slut

More front than Myers (department store): bold, audacious

Took off like a Bondi tram: rushing off

Sausage bit short of a barbecue: bit dumb

Sparrow's fart: up early in the morning

She bangs like the dunny (toilet) door: loud, noisy

Splash the boots/Shake the hand that shook the world/Point Percy at the porcelain: when a man goes to the toilet

As dry as a dead dingo's donger: (no explanation required)

A mouth like the bottom of a cocky's cage: horrible taste in the mouth

Dead horse: ketchup